

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JALISSA HALEY FERN SPOTTED
BIRD,

Defendant.

CR 20-28-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Jalissa Haley Fern Spotted Bird (Spotted Bird) has been accused of violating the conditions of her supervised release. Spotted Bird admitted all of the alleged violations. Spotted Bird's supervised release should be revoked. Spotted Bird should be placed in custody for 1 year and 1 day, with no supervised release to follow.

II. Status

Spotted Bird pleaded guilty to Aiding and Abetting Robbery on October 15, 2020. (Doc. 29). The Court sentenced Spotted Bird to 30 months of custody, followed by 2 years of supervised release. (Doc. 39). Spotted Bird's current term of supervised release began on May 18, 2023. (Doc. 70 at 2).

Petition

The United States Probation Office filed a Petition on July 19, 2023, requesting that the Court revoke Spotted Bird's supervised release. (Doc. 70). The Petition alleged that Spotted Bird had violated the conditions of her supervised release: 1) by consuming alcohol on three separate occasions; and 2) by failing to successfully complete her outpatient substance abuse treatment program.

Initial appearance

Spotted Bird appeared before United States Magistrate Judge Timothy J. Cavan for her initial appearance on July 27, 2023. Spotted Bird was represented by counsel. Spotted Bird stated that she had read the petition and that she understood the allegations. Spotted Bird waived her right to a preliminary hearing.

Revocation hearing

The parties consented to proceed with the revocation hearing before the undersigned. The Court conducted a revocation hearing on August 17, 2023. Spotted Bird admitted that she had violated the conditions of her supervised release: 1) by consuming alcohol on three separate occasions; and 2) by failing to successfully complete her outpatient substance abuse treatment program. The violations are serious and warrant revocation of Spotted Bird's supervised release.

Spotted Bird's violations are Grade C violations. Spotted Bird's criminal history category is II. Spotted Bird's underlying offense is a Class C felony. Spotted Bird could be incarcerated for up to 24 months. Spotted Bird could be ordered to remain on supervised release for up to 20 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

III. Analysis

Spotted Bird's supervised release should be revoked. Spotted Bird should be incarcerated for 1 year and 1 day, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Spotted Bird that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Spotted Bird of her right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Spotted Bird that Judge Morris would consider a timely objection before making a final determination on whether to revoke her supervised release and what, if any, sanction to impose. Spotted Bird stated that she wished to waive her right to object to these Findings and Recommendations, and that she wished to waive her

right to allocute before Judge Morris.

The Court **FINDS:**

That Jalissa Haley Fern Spotted Bird has violated the conditions of her supervised release: by consuming alcohol on three separate occasions; and by failing to successfully complete her outpatient substance abuse treatment program.

The Court **RECOMMENDS:**

The District Court should revoke Spotted Bird's supervised release and commit Spotted Bird to the custody of the United States Bureau of Prisons for 1 year and 1 day, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and

may waive the right to appear and allocute before a district court judge.

DATED this 18th day of August, 2023.



John Johnston
United States Magistrate Judge